

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 STR-04 CIAE-00 COME-00 DODE-00

DOT-00 FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04

PM-04 NSC-05 SP-02 SS-15 L-03 SSO-00 NSCE-00 INRE-00

AID-05 FDRE-00 TRSE-00 /065 R

DRAFTED BY EB/TT/MA:JPSTEINMETZ:EW

APPROVED BY EB/TT/MA:RKBANK

FMC:WJSMITH/RSHREVES

STR:SCOFFIELD (PARA. L)

ARA/ECP:MDAVILA

ARA/CEN:MPLATT

EB/STA:WCLARK

MARAD:RBOURDON

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O 122240Z FEB 76 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS:EWWT, GT, US

SUBJECT: GUATEMALAN SHIPPING DISCRIMINATION

REF: A) GUATEMALA 1087; B) STATE 22392; C) GUATEMALA 411

1. IN LIGHT OF QUAKE DISASTER AND RESULTANT DISRUPTION
OF NORMAL GOG ACTIVITIES, FMC AND STR HAVE POSTPONED
PLANS TO INVOKE SECTION 19 AND SECTION 301 COUNTERVAILING
MEASURES. FMC HAS SET NO NEW DEADLINE DUE TO UNCERTAINTY
OF SITUATION WHILE STR HAS STAYED ACTION FOR 30 DAYS TO
MARCH 15. IN LIGHT OF FMC ACTION AND REF A, STR IS CON-
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SIDERING ADOPTING APPROACH SIMILAR TO FMC. WILL ADVISE.

THE FMC IN TAKING ACTION TO DELAY IMPLEMENTATION OF SECTION 19 ORDERS HAS REQUESTED THE DEPARTMENT TO PROVIDE AT LEAST MONTHLY PROGRESS REPORTS ON THE CONDITIONS IN GUATEMALA IN ORDER THAT EFFORTS TO REMEDY THE DISCRIMINATORY SHIPPING PRACTICES OF THE GOG MAY BE RESUMED UPON RESTORATION OF NORMAL GOVERNMENTAL ACTIVITIES.

2. EMBASSY MAY INFORM GOG OF FOREGOING AND AT SAME TIME STRONGLY SUGGEST GOG SERIOUSLY CONSIDER SUSPENSION OF DECREE 41-71 AND FLOMERCA WAIVER AUTHORITY OR GRANT BLANKET WAIVER FOR TIME BEING IN ORDER TO FACILITATE MOVEMENT OF CARGOES, PARTICULARLY FROM THE U.S. TO GUATEMALA.

3. RE PARA 4, REFTEL A, DEPARTMENT DID NOT INTEND TO IMPLY IN REF (B) THAT EMBASSY PROVIDE COPY OF ANY AGREEMENT INKED BY DELTA AND FLOMERCA. COPIES OF TEXT WILL BE READILY AVAILABLE TO INTERESTED PARTIES HERE AT SUCH TIME IT IS SUBMITTED TO FMC FOR CONSIDERATION.

4. POINT RAISED PARA 7, REF A IS APPRECIATED. EMBASSY, HOWEVER, SHOULD BEAR IN MIND PARA 3, REFTEL B AS WELL AS REPORTED SKEPTICISM ON PART OF FMC THAT A DELTA/ FLOMERCA AGREEMENT IN ITSELF WILL SOLVE PROBLEM. FMC SECTION 21 ORDERS REQUESTING INFORMATION FROM LINES IN THE US-GUATEMALA TRADES COVERED NOT ONLY GULF WHERE DELTA IS ACTIVE BUT ALSO ATLANTIC SERVICES, CONTEMPLATED SECTION 19 ORDERS ADDRESS FLOMERCA AND ASSOCIATED LINE OPERATIONS UNDER DECREE 41-71 FROM MIAMI AS WELL AS THE GULF. ON THE BASIS OF INFORMAL CONVERSATIONS WITH THE FMC STAFF, WE BELIEVE EMBASSY WOULD BE ON VERY SOLID GROUND IN POINTING OUT TO GOG THAT (1) DELTA/FLOMERCA DISPUTE IS JUST THE TIP OF THE ICEBERG, AND (2) GIVEN THE NEGATIVE EFFECT OF DECREE 41-71 ON U.S.-GUATEMALAN TRADE OVERALL, IT IS VERY UNLIKELY THAT PROBLEM WILL BE RESOLVED WITHOUT REFORM OF GOG DISCRIMINATORY LEGISLATION.

5. RE POINT (A), PARA L, REF C, LINEAS MARITIMAS GUATEMALTECAS HAS BEEN DETERMINED TO BE A BULK CARRIER OPERATION AND THEREFORE NOT SUBJECT TO FMC REGULATION. LIMITED OFFICIAL USE

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ACCORDINGLY, IT WOULD BE INAPPROPRIATE TO INCLUDE LINE IN THE SECTION 19 ORDERS. KISSINGER

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